9008A

UNITED NATIONS

E/NL. 1990/14-15
17 July 1990

ENGLISH ONLY*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

BAHAMAS

Communicated by the Government of Bahamas

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

INDEX

		Page
E/NL.1990/14	The Dangerous Drugs (Prescription of Minimum Amounts) Rules, 1989	2
E/NL.1990/15	Act to amend the Dangerous Drugs Acts Act No. 3 of 1989	3

*) Note by the Secretariat: The present document is a direct reproduction of the texts communicated to the Secretariat.

V.90-86547

E/NL.1990/14

MINISTRY OF HEALTH

S.I. No. 21 of 1989

THE DANGEROUS DRUGS ACT

(Chapter 213)

THE DANGEROUS DRUGS (PRESCRIPTION OF MINIMUM AMOUNTS) RULES, 1989

The Minister in exercise of the powers conferred upon him by Sections 22 and 33 of the Dangerous Drugs Act makes the following rules —

1. These Rules may be cited as the Dangerous Drugs (Prescription of Minimum Amounts) Rules, 1989.

2. For the purposes of Subsection (3) of Section 22 of the Dangerous Drugs Act, the possession of any quantity of the dangerous drug named in the first column of the Schedule in excess of the quantity respectively specified against that drug in the second column of the Schedule shall raise the presumption of possession with intent to supply.

SCHEDULE

First Column	Second Column
DANGEROUS DRUG	MINIMUM QUANTITY
Cocaine	10 grams
Indian hemp	500 grams
Lysergic acid diethylamide and any compound declared by the Minister by order to be related to lysergic acid diethylamide	10 milligrams
Opium morphine and its salts including diacetyl-morphine (commonly known as heroin)	2 grams

Methaqualone	1 gram or, if the drug is in the form of tablets, 25 grams
Amphetamines	1 gram or, if the drug is in the form of tablets, 25 grams

Dated this 30th day of January, 1989.

Signed
NORMAN R. GAY, M.D.
Minister of Health

E/NL.1990/15

No. 3 of 1989

An Act to amend the Dangerous Drugs Act

(Date of Assent: 30th June, 1989)
(Commencement: 7th July, 1989)

Enacted by the Parliament of The Bahamas.

Short title Ch. 313

1. This Act, which amends the Dangerous Drugs Act, may be cited as the Dangerous Drugs (Amendment) Act, 1989.

Amends section 22 of principal Act.

2. Section 22 of the principal Act is amended by the insertion immediately after subsection (11) of the following subsection —

"(12) In this section, any reference to any dangerous drug includes a reference to any admixture containing any proportion of that dangerous drug.".

Amends section 32 of principal Act.

3. (1) Paragraph (a) of subsection (1) of section 32 of the principal Act is amended by the deletion of the words "of less than 500 tons net register".

(2) Subsection (5) of section 32 of the principal Act is repealed.

UNITED NATIONS

E/NL.1990/16
17 July 1990
ENGLISH ONLY

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

CZECHOSLOVAKIA

Communicated by the Government of Czechoslovakia

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

LAW OF 28 MARCH 1989 ON THE PROTECTION AGAINST ALCOHOLISM AND OTHER TOXICOMANIA

The Czech National Council has decided on the following law:

Part I

Fundamental proclamation

Article 1

1. Alcoholism and the other toxicomania, including smoking, are negative phenomena which could cause immense social damages and threaten notably the health of citizens. All the organs and organizations as well as the citizens who are selling wares or providing other services are obliged to prevent the citizens and the society from harmful effects of alcoholism and other toxicomania, including smoking, and by eliminating their causes and consequences to create more favourable prerequisites for further development of the socialistic society.

[...]

3. Other habit-forming drugs apart from alcohol, with respect to this law, include the narcotics, psychotropic substances as well as other chemical substances.

Nicotine is not considered as another habit-forming drug for the purpose of this law, unless it is explicitly stated by words of this law.

[...]

5. An individual suffering from dependence derived from alcohol or other habit-forming drugs is, in view of this law, a person who is unable to desist permanently from the immoderate or otherwise detrimental taking of alcoholic drinks or of other habit-forming drugs, harming thereby his health or causing serious disruption of social relations.

V.90 86548 8254e

READEX

Part II

Means of protection against alcoholism and other toxicomania and duties of organs and citizens

Article 2

Modes of protection

The protection against alcoholism and other toxicomania, including smoking, is implemented by educational means, limitary precautions, through the attendance in the anti-alcoholic retaining station, the alcoholism preventive treatment, the social care, the charging of penalties according to the provisions of this law and by the right of recovery according to other juridical regulations.

Article 3

Education

The protection against alcoholism and other toxicomania is to be achieved through the education, namely through the following activities:

(a) by elucidating the harmfulness of immoderate or otherwise deleterious taking of alcoholic drinks and of other habit-forming drugs including smoking,

(b) by educating and influencing children and youth in schools and school facilities to recognize the detrimental effects of taking alcoholic drinks and other habit-forming drugs including smoking,

(c) by explaining the principles of sound living and utilizing the free time of children, youth and adults for the benefit of their health,

(d) by propagating the use of non-alcoholic drinks.

Article 4

Limitary precautions

1. This law forbids:

[...]

(b) to produce spirits, distillates and other habit-forming drugs at home or to modify their components for toxicomanic purposes,

(c) to sell other habit-forming drugs and products containing them outside the authorized sales rooms or to otherwise enable their harmful taking,

(d) the entering of persons being obviously under the effect of alcoholic drinks or other habit-forming drugs, provided that they are threatening or may endanger the safety or fluency of the transport traffic or the public peace or scandalize the public, to areas and means of inland mass transport of passengers,

[...]

(g) to propagate taking of alcoholic drinks or of other habit-forming drugs in the press and other mass media.

2. The ban of taking alcoholic drinks and abuse of other habit-forming drugs by workers at work places during working hours and even outside of the work place is the matter of a special regulation.

3. The national committees are authorized to restrict or prohibit in their territorial districts:

[...]

(c) the sale of other habit-forming drugs or products containing these substances in authorized sales rooms to persons of less than 18 years.

Article 5

[...]

Article 6

1. A person who is executing an activity which could threaten people's life or health, or damage a property is not authorized to take alcoholic drinks or other habit-forming drugs when performing this activity or before its performance if he may still be under their influence during the activity.

2. A person stated in article 1 is obliged to undergo a test on appeal in order to search for eventual presence of alcohol or other habit-forming drugs. The test consists first in breathing and, in case of a positive result, in a medical examination namely a blood analysis. The test for habit-forming drugs is carried out by analysing the urine or even the saliva and the blood.

3. If there is a need for taking blood for purposes of analysis, then a person stated in article 1 is obliged to undergo the bloodletting by a physician or health service officer, unless it would be dangerous for him with regard to his state of health.

4. Members of the Corps of National Security, Corps of Reformatory Education of the Czech Socialist Republic, Corps of Armed Security of Railways, Corps of Armed Security of Airports, organs of the Federal Ministry of National Defence and appropriate organs of the State machinery or an attending physician are authorized to call a person for undergoing an examination.

5. Persons other than those mentioned in article 1 are obliged to undergo the examination on appeal according to article 2 when there is a well-grounded suspicion that they have harmed either their health or the health of another person in connection with taking alcoholic drinks or other habit-forming drugs.

6. Special regulations state the duty of workers to undergo examinations carried out by the organization to which they are in labour relation or in similar relation or by an appropriate organ of the State machinery, in order to test them for susceptibility of taking alcohol or other habit-forming drugs.

Article 7

Tasks of organizations

1. The organizations are obliged:

(a) to take measures for the protection against alcoholism and other toxicomania including smoking and to check their fulfilment,

(b) to deal with proposals, remainders and recommendations of organs which control the protection against alcoholism and other toxicomania including smoking,

(c) to check the observation of prohibition and limitations stated in article 4.

[...]

Article 9

Therapeutical preventive care

1. The persons dependent of alcohol or other habit-forming drugs are given therapeutical preventive care in the health service establishments, if their state of health requires it.

2. The persons dependent of alcohol or other habit-forming drugs who do not want to undergo voluntarily the therapeutical preventive care or refuse it or impede the accorded care will be charged to undergo an ambulatory care; if this care is not purposeful or has proved to be ineffective, or if those persons refuse to undergo voluntarily the institutional care, they will have to undergo the institutional care. A duty to undergo the institutional care can be repeatedly imposed only if the state does not appear as permanent and unlikely to be cured.

3. The decision to impose a duty to undergo the ambulatory care lies on the Health Service Institute of the region to which the health service establishment affording this kind of care belongs.

4. The decision to impose a duty to undergo the institutional care, to end it or to allow eventual consequent ambulatory care lies on the District National Committee; the decision concerning a duty to undergo an institutional care will be reviewed by a court if the proposal was made by the person concerned, by his guardian or by a person close to him.

5. The health service establishment competent, according to the decision of the District National Committee, to afford the institutional care for a certain person is obliged to inform this national committee if that person did not undergo the institutional care or hampered it or if this care had no curative effects. It is as well obliged to inform this committee about the end of the care.

6. The health service establishment registers persons being dependent upon alcohol or another habit-forming drug. This registration is announced to the concerned person.

7. If a person who has been registered finds this registration to be incorrect, he may submit a proposal for revising such an action according to special regulations; the decision of the national committee according to these regulations will be reviewed by the court on a proposal of the above-mentioned person, his guardian or a person close to him.

8. The mode of affording ambulatory or institutional care with regard to articles 1-5 and the procedure of managing the evidence of persons to whom this care should be afforded will be determined in the public notice of the Ministry of Health Service and Social Affairs of the Czech Socialist Republic.

Article 10

Social welfare

The persons being dependent of alcohol or other habit-forming drugs whose treatment in a health service establishment is coming to an end and who are not yet socially adaptable are given social care according to special regulations.

Article 11

Paying of wage or reward for the labour to another person

1. The Local National Committee will decide whether the wages or other rewards or part thereof should be paid for a labour to a person dependent of alcohol or other habit-forming drugs who is unable to maintain his children or other persons to whom he has alimentary obligations. The Local National Committee is as well authorized to change or cancel such a provision. The payment of health insurance benefits and old age pension benefits is ruled according to special regulations.

2. The person who receives wages, other rewards or benefits in accordance with article 1, is obliged to use them only for settling the necessities of life of the person dependent of alcohol or other habit-forming drugs, the children or other dependants of this person; the use of those expenditures is checked by the Local National Committee which took the decision according to article 1.

Article 12

Charging of penalties

1. An organization which breaks an interdict, limitation or duty stated [...] in paragraph 4, article 3 and in paragraph 7, article 1, letter (c), can be penalized by the District National Committee with a fine up to 50,000 Czechoslovak crowns.

2. The citizens selling wares or affording others services when breaking an interdict, limitation or duty stated in paragraph 4, article 3, will be fined by the Local National Committee with a fine up to 5,000 Czechoslovak crowns.

3. The penalty can only be fined within one year from the day when the interdict, limitation or duty have been violated.

4. The responsibility of an organization or eventually of its workers and of citizens who are selling wares or affording other services according to special regulations will remain unchanged by the fining imposed by articles 1 and 2.

5. The penalty represents an income for that national committee which has imposed it.

Article 13

The Ministry of Health Service and Social Affairs of the Czech Socialist Republic

1. The protection against the alcoholism and other toxicomania including smoking is controlled and co-ordinated by the Ministry of Health Service and Social Affairs of the Czech Socialist Republic. The Ministry:

(a) Controls how the organs and organizations fulfil their tasks resulting from enactments of this law, regulations passed for its implementation and other juridical regulations concerning the protection against alcoholism and other toxicomania including smoking, as well as from provisions passed by the Government of the Czech Socialist Republic in this area and submits the appraisals of the situation to the Government.

(b) Submits to the Government of the Czech Socialist Republic conceptions concerning the development, execution and supervision of the measures of protection against the alcoholism and other toxicomania including smoking and makes comments on proposals for precautions concerning these questions.

2. The Ministry of Health Service and Social Affairs of the Czech Socialist Republic establishes a Corps for the Protection Against Alcoholism and Other Toxicomania as its own initiative and advisory organ in affairs of protection against alcoholism and other toxicomania including smoking. Its principal mission is to observe and evaluate the prevention of alcoholism and other toxicomania including smoking and to put forth proposals for enhancing its effectiveness.

Article 14

Central offices of the State administration

The central offices of the State administration by fulfilling their tasks in the field of protection against alcoholism and other toxicomania including smoking notably:

(a) supervise the organs and organizations falling under their jurisdiction as for the targets resulting for them from this law and regulations securing its implementation and draw conclusions in cases of their invalid fulfilling,

[...]

Article 15

National Committees

1. The protection against alcoholism and other toxicomania including smoking is controlled by national committees in their territorial districts. The activity for fulfilling their tasks include:

(a) ensuring that the public is informed about the protection against alcoholism and other toxicomania and the effective propagation of protecting measures and to organize a wide-scope participation of citizens in order to secure its implementation,

(b) creating conditions for developing the education of citizens which can lead to both temperance and abstention from taking alcoholic drinks, other habit-forming drugs and from smoking,

(c) observing and evaluating possibilities to suppress the causes of phenomena which threaten the goals of protection against alcoholism and other toxicomania including smoking,

(d) taking measures in order that alcoholism and other toxicomania do not disturb family relations or the sound development of the youth,

(e) establishing anti-alcoholic retaining stations and facilities for affording preventive medical attention and social work to persons being dependent of alcohol or other habit-forming drugs, to secure and observe their operational activity and take further precautions needed for affording such a care,

(f) evaluating the effectiveness of imposing fines according to this law and take measures for applying consequential right of recovery according to other obligatory juridical regulations,

(g) observing and supervising the respect of this law, of the regulations passed for its implementation and of other regulations concerning the protection against alcoholism and other toxicomania and taking measures for eliminating shortcomings.

2. The national committees can establish in the frame of health service establishments, which are under their control, anti-smoking advice bureaux. The details concerning the establishing, management and activity of those anti-smoking advice bureaux are explained by the public notice of the Ministry of Health Service and Social Affairs of the Czech Socialist Republic.

3. The national committees can organize corps for the protection against alcoholism and other toxicomania, the aim of which is to co-ordinate and secure the targets of the national committees in the field of the protection against alcoholism and other toxicomania.

Part IV

Common and final statements

[...]

Article 18

Effectiveness

This law enters into force on 1 July 1989.

9008A

UNITED NATIONS

E/NL. 1990/17
13 August 1990

ENLISH ONLY*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

UNITED KINGDOM

Communicated by the Government of the United Kingdom
of Great Britain and Northern Ireland

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

Criminal Justice (International Co-operation) Act 1990

CHAPTER 5

ARRANGEMENT OF SECTIONS

PART I

CRIMINAL PROCEEDINGS AND INVESTIGATIONS

Mutual service of process

Section
1. Service of overseas process in United Kingdom.
2. Service of United Kingdom process overseas.

Mutual provision of evidence

3. Overseas evidence for use in United Kingdom.
4. United Kingdom evidence for use overseas.
5. Transfer of United Kingdom prisoner to give evidence or assist investigation overseas.
6. Transfer of overseas prisoner to give evidence or assist investigation in the United Kingdom.

*) Note by the Secretariat: The present document is a direct reproduction of the text communicated to the Secretariat.

V.90-87126

Additional co-operation powers

7. Search etc. for material relevant to overseas investigation.
8. Search etc. for material relevant to overseas investigation: Scotland.
9. Enforcement of overseas forfeiture orders.

Supplementary

10. Rules of court.
11. Application to courts-martial etc.

PART II

THE VIENNA CONVENTION

Substances useful for manufacture of controlled drugs

12. Manufacture and supply of scheduled substances.
13. Regulations about scheduled substances.

Proceeds of drug trafficking

14. Concealing or transferring proceeds of drug trafficking.
15. Interest on sums unpaid under confiscation orders.
16. Increase in realisable property.
17. Increase in realisable property: Scotland.

Offences at sea

18. Offences on British ships.
19. Ships used for illicit traffic.
20. Enforcement powers.
21. Jurisdiction and prosecutions.

Supplementary

22. Extradition.
23. Application of ancillary provisions of Misuse of Drugs Act 1971.
24. Interpretation of Part II.

PART III

DRUG TRAFFICKING MONEY IMPORTED OR EXPORTED IN CASH

25. Seizure and detention.
26. Forfeiture.
27. Interest.
28. Procedure.
29. Interpretation of Part III.

PART IV

GENERAL

30. Expenses and receipts.
31. Consequential and other amendments, repeals and revocation.
32. Short title, commencement and extent.

SCHEDULES:

Schedule 1—United Kingdom Evidence for Use Overseas: Proceedings of Nominated Court.
Schedule 2—Substances Useful for Manufacturing Controlled Drugs.
Schedule 3—Enforcement Powers in respect of Ships.
Schedule 4—Consequential Amendments.
Schedule 5—Repeals.

An Act to enable the United Kingdom to co-operate with other countries in criminal proceedings and investigations; to enable the United Kingdom to join with other countries in implementing the Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; and to provide for the seizure, detention and forfeiture of drug trafficking money imported or exported in cash. [5th April 1990]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CRIMINAL PROCEEDINGS AND INVESTIGATIONS

Mutual service of process

Service of overseas process in United Kingdom.

1.—(1) This section has effect where the Secretary of State receives from the government of, or other authority in, a country or territory outside the United Kingdom—

(a) a summons or other process requiring a person to appear as defendant or attend as a witness in criminal proceedings in that country or territory; or

(b) a document issued by a court exercising criminal jurisdiction in that country or territory and recording a decision of the court made in the exercise of that jurisdiction,

together with a request for it to be served on a person in the United Kingdom.

(2) The Secretary of State or, where the person to be served is in Scotland, the Lord Advocate may cause the process or document to be served by post or, if the request is for personal service, direct the chief officer of police for the area in which that person appears to be to cause it to be personally served on him.

(3) Service by virtue of this section of any such process as is mentioned in subsection (1)(a) above shall not impose any obligation under the law of any part of the United Kingdom to comply with it.

(4) Any such process served by virtue of this section shall be accompanied by a notice—

(a) stating the effect of subsection (3) above;

(b) indicating that the person on whom it is served may wish to seek advice as to the possible consequences of his failing to comply with the process under the law of the country or territory where it was issued; and

(c) indicating that under that law he may not, as a witness, be accorded the same rights and privileges as would be accorded to him in criminal proceedings in the United Kingdom.

(5) Where a chief officer of police is directed under this section to cause any process or document to be served he shall after it has been served forthwith inform the Secretary of State or, as the case may be, the Lord Advocate when and how it was served and (if possible) furnish him with a receipt signed by the person on whom it was served; and if the chief officer has been unable to cause the process or document to be served he shall forthwith inform the Secretary of State or as the case may be, the Lord Advocate of that fact and of the reason.

(6) In the application of this section to Northern Ireland for references to a chief officer of police there shall be substituted references to the Chief Constable of the Royal Ulster Constabulary.

Service of United Kingdom process overseas.

2.—(1) Process of the following descriptions, that is to say—

(a) a summons requiring a person charged with an offence to appear before a court in the United Kingdom; and

(b) a summons or order requiring a person to attend before a court in the United Kingdom for the purpose of giving evidence in criminal proceedings,

may be issued or made notwithstanding that the person in question is outside the United Kingdom and may be served outside the United Kingdom in accordance with arrangements made by the Secretary of State.

(2) In relation to Scotland subsection (1) above applies to any document which may competently be served on any accused person or on any person who may give evidence in criminal proceedings.

(3) Service of any process outside the United Kingdom by virtue of this section shall not impose any obligation under the law of any part of the United Kingdom to comply with it and accordingly failure to do so shall not constitute contempt of any court or be a ground for issuing a warrant to secure the attendance of the person in question or, in Scotland, for imposing any penalty.

(4) Subsection (3) above is without prejudice to the service of any process (with the usual consequences for non-compliance) on the person in question if subsequently effected in the United Kingdom.

Mutual provision of evidence

Overseas evidence for use in United Kingdom.

3.—(1) Where on an application made in accordance with subsection (2) below it appears to a justice of the peace or a judge or, in Scotland, to a sheriff or a judge—

(a) that an offence has been committed or that there are reasonable grounds for suspecting that an offence has been committed; and

(b) that proceedings in respect of the offence have been instituted or that the offence is being investigated,

he may issue a letter ("a letter of request") requesting assistance in obtaining outside the United Kingdom such evidence as is specified in the letter for use in the proceedings or investigation.

(2) An application under subsection (1) above may be made by a prosecuting authority or, if proceedings have been instituted, by the person charged in those proceedings.

(3) A prosecuting authority which is for the time being designated for the purposes of this section by an order made by the Secretary of State by statutory instrument may itself issue a letter of request if—

(a) it is satisfied as to the matters mentioned in subsection (1)(a) above; and

(b) the offence in question is being investigated or the authority has instituted proceedings in respect of it.

(4) Subject to subsection (5) below, a letter of request shall be sent to the Secretary of State for transmission either—

(a) to a court or tribunal specified in the letter and exercising jurisdiction in the place where the evidence is to be obtained; or

(b) to any authority recognised by the government of the country or territory in question as the appropriate authority for receiving requests for assistance of the kind to which this section applies.

(5) In cases of urgency a letter of request may be sent direct to such a court or tribunal as is mentioned in subsection (4)(a) above.

(6) In this section "evidence" includes documents and other articles.

(7) Evidence obtained by virtue of a letter of request shall not without the consent of such an authority as is mentioned in subsection (4)(b) above be used for any purpose other than that specified in the letter; and when any document or other article obtained pursuant to a letter of request is no longer required for that purpose (or for any other purpose for which such consent has been obtained), it shall be returned to such an authority unless that authority indicates that the document or article need not be returned.

(8) In exercising the discretion conferred by section 25 of the Criminal Justice Act 1988 (exclusion of evidence otherwise admissible) in relation to a statement contained in evidence taken pursuant to a letter of request the court shall have regard— 1988 c. 33.

(a) to whether it was possible to challenge the statement by questioning the person who made it; and

(b) if proceedings have been instituted, to whether the local law allowed the parties to the proceedings to be legally represented when the evidence was being taken.

(9) In Scotland evidence obtained by virtue of a letter of request shall, without being sworn to by witnesses, be received in evidence in so far as that can be done without unfairness to either party.

(10) In the application of this section to Northern Ireland for the reference in subsection (1) to a justice of the peace there shall be substituted a reference to a resident magistrate and for the reference in subsection (8) to section 25 of the Criminal Justice Act 1988 there shall be substituted a reference to Article 5 of the Criminal Justice (Evidence, Etc.)(Northern Ireland) Order 1988. S.I. 1988/1847 (N.I.17).

United Kingdom evidence for use overseas.

4.—(1) This section has effect where the Secretary of State receives—

(a) from a court or tribunal exercising criminal jurisdiction in a country or territory outside the United Kingdom or a prosecuting authority in such a country or territory; or

(b) from any other authority in such a country or territory which appears to him to have the function of making requests of the kind to which this section applies,

a request for assistance in obtaining evidence in the United Kingdom in connection with criminal proceedings that have been instituted, or a criminal investigation that is being carried on, in that country or territory.

(2) If the Secretary of State or, if the evidence is to be obtained in Scotland, the Lord Advocate is satisfied—

(a) that an offence under the law of the country or territory in question has been committed or that there are reasonable grounds for suspecting that such an offence has been committed; and

(b) that proceedings in respect of that offence have been instituted in that country or territory or that an investigation into that offence is being carried on there,

he may, if he thinks fit, by a notice in writing nominate a court in England, Wales or Northern Ireland or, as the case may be, Scotland to receive such of the evidence to which the request relates as may appear to the court to be appropriate for the purpose of giving effect to the request.

(3) Where it appears to the Secretary of State or, as the case may be, the Lord Advocate that the request relates to a fiscal offence in respect of which proceedings have not yet been instituted he shall not exercise his powers under subsection (2) above unless—

(a) the request is from a country or territory which is a member of the Commonwealth or is made pursuant to a treaty to which the United Kingdom is a party; or

(b) he is satisfied that the conduct constituting the offence would constitute an offence of the same or a similar nature if it had occurred in the United Kingdom.

(4) For the purpose of satisfying himself as to the matters mentioned in subsection (2)(a) and (b) above the Secretary of State or, as the case may be, the Lord Advocate shall regard as conclusive a certificate issued by such authority in the country or territory in question as appears to him to be appropriate.

(5) In this section "evidence" includes documents and other articles.

(6) Schedule 1 to this Act shall have effect with respect to the proceedings before a nominated court in pursuance of a notice under subsection (2) above.

Transfer of United Kingdom prisoner to give evidence or assist investigation overseas.

1952 c. 52.

1989 c. 45.

5.—(1) The Secretary of State may, if he thinks fit, issue a warrant providing for any person ("a prisoner") serving a sentence in a prison or other institution to which the Prison Act 1952 or the Prisons (Scotland) Act 1989 applies to be transferred to a country or territory outside the United Kingdom for the purpose—

(a) of giving evidence in criminal proceedings there; or

(b) of being identified in, or otherwise by his presence assisting, such proceedings or the investigation of an offence.

(2) No warrant shall be issued under this section in respect of any prisoner unless he has consented to being transferred as mentioned in subsection (1) above and that consent may be given either—

(a) by the prisoner himself; or

(b) in circumstances in which it appears to the Secretary of State inappropriate, by reason of the prisoner's physical or mental condition or his youth, for him to act for himself, by a person appearing to the Secretary of State to be an appropriate person to act on his behalf;

but a consent once given shall not be capable of being withdrawn after the issue of the warrant.

(3) The effect of a warrant under this section shall be to authorise—

(a) the taking of the prisoner to a place in the United Kingdom and his delivery at a place of departure from the United Kingdom into the custody of a person representing the appropriate authority of the country or territory to which the prisoner is to be transferred; and

(b) the bringing of the prisoner back to the United Kingdom and his transfer in custody to the place where he is liable to be detained under the sentence to which he is subject.

(4) Where a warrant has been issued in respect of a prisoner under this section he shall be deemed to be in legal custody at any time when, being in the United Kingdom or on board a British ship, British aircraft or British hovercraft, he is being taken under the warrant to or from any place or being kept in custody under the warrant.

(5) A person authorised by or for the purposes of the warrant to take the prisoner to or from any place or to keep him in custody shall have all the powers, authority, protection and privileges—

(a) of a constable in the part of the United Kingdom in which that person is for the time being; or

(b) if he is outside the United Kingdom, of a constable in the part of the United Kingdom to or from which the prisoner is to be taken under the warrant.

(6) If the prisoner escapes or is unlawfully at large, he may be arrested without warrant by a constable and taken to any place to which he may be taken under the warrant issued under this section.

(7) In subsection (4) above—

"British aircraft" means a British-controlled aircraft within the meaning of section 92 of the Civil Aviation Act 1982 (application of criminal law to aircraft) or one of Her Majesty's aircraft;

1982 c. 16.

"British hovercraft" means a British-controlled hovercraft within the meaning of that section as applied in relation to hovercraft by virtue of provisions made under the Hovercraft Act 1968 or one of Her Majesty's hovercraft;

1968 c. 59.

"British ship" means a British ship for the purposes of the Merchant Shipping Acts 1894 to 1988 or one of Her Majesty's ships;

and in this subsection references to Her Majesty's aircraft, hovercraft or ships are references to aircraft, hovercraft or, as the case may be, ships belonging to or exclusively employed in the service of Her Majesty in right of the Government of the United Kingdom.

(8) In subsection (6) above "constable", in relation to any part of the United Kingdom, means any person who is a constable in that or any other part of the United Kingdom or any person who, at the place in question has, under any enactment including subsection (5) above, the powers of a constable in that or any other part of the United Kingdom.

(9) This section applies to a person in custody awaiting trial or sentence and a person committed to prison for default in paying a fine as it applies to a prisoner and the reference in subsection (3)(b) above to a sentence shall be construed accordingly.

(10) In the application of this section to Northern Ireland for the reference in subsection (1) to the Prison Act 1952 there shall be substituted a reference to the Prison Act (Northern Ireland) 1953.

1953 c. 18 (N.I.).

Transfer of overseas prisoner to give evidence or assist investigation in the United Kingdom.

6.—(1) This section has effect where—

(a) a witness order has been made or a witness summons or citation issued in criminal proceedings in the United Kingdom in respect of a person ("a prisoner") who is detained in custody in a country or territory outside the United Kingdom by virtue of a sentence or order of a court or tribunal exercising criminal jurisdiction in that country or territory; or

(b) it appears to the Secretary of State that it is desirable for a prisoner to be identified in, or otherwise by his presence to assist, such proceedings or the investigation in the United Kingdom of an offence.

(2) If the Secretary of State is satisfied that the appropriate authority in the country or territory where the prisoner is detained will make arrangements for him to come to the United Kingdom to give evidence pursuant to the witness order, witness summons or citation or, as the case may be, for the purpose mentioned in subsection (1)(b) above, he may issue a warrant under this section.

(3) No warrant shall be issued under this section in respect of any prisoner unless he has consented to being brought to the United Kingdom to give evidence as aforesaid or, as the case may be, for the purpose mentioned in subsection (1)(b) above but a consent once given shall not be capable of being withdrawn after the issue of the warrant.

(4) The effect of the warrant shall be to authorise—

(a) the bringing of the prisoner to the United Kingdom;

(b) the taking of the prisoner to, and his detention in custody at, such place or places in the United Kingdom as are specified in the warrant; and

(c) the returning of the prisoner to the country or territory from which he has come.

(5) Subsections (4) to (8) of section 5 above shall have effect in relation to a warrant issued under this section as they have effect in relation to a warrant issued under that section.

(6) A person shall not be subject to the Immigration Act 1971 in respect of his entry into or presence in the United Kingdom in pursuance of a warrant under this section but if the warrant ceases to have effect while he is still in the United Kingdom— 1971 c. 77.

(a) he shall be treated for the purposes of that Act as if he has then illegally entered the United Kingdom; and

(b) the provisions of Schedule 2 to that Act shall have effect accordingly except that paragraph 20(1) (liability of carrier for expenses of custody etc. of illegal entrant) shall not have effect in relation to directions for his removal given by virtue of this subsection.

(7) This section applies to a person detained in custody in a country or territory outside the United Kingdom in consequence of having been transferred there—

(a) from the United Kingdom under the Repatriation of Prisoners Act 1984; or 1984 c. 47.

(b) under any similar provision or arrangement from any other country or territory,

as it applies to a person detained as mentioned in subsection (1) above.

Additional co-operation powers

Search etc. for material relevant to overseas investigation. 1984 c. 60.

7.—(1) Part II of the Police and Criminal Evidence Act 1984 (powers of entry, search and seizure) shall have effect as if references to serious arrestable offences in section 8 of and Schedule 1 to that Act included any conduct which is an offence under the law of a country or territory outside the United Kingdom and would constitute a serious arrestable offence if it had occurred in any part of the United Kingdom.

(2) If, on an application made by a constable, a justice of the peace is satisfied—

(a) that criminal proceedings have been instituted against a person in a country or territory outside the United Kingdom or that a person has been arrested in the course of a criminal investigation carried on there;

(b) that the conduct constituting the offence which is the subject of the proceedings or investigation would constitute an arrestable offence within the meaning of the said Act of 1984 if it had occurred in any part of the United Kingdom; and

(c) that there are reasonable grounds for suspecting that there is on premises in the United Kingdom occupied or controlled by that person evidence relating to the offence other than items subject to legal privilege within the meaning of that Act,

he may issue a warrant authorising a constable to enter and search those premises and to seize any such evidence found there.

(3) The power to search conferred by subsection (2) above is only a power to search to the extent that is reasonably required for the purpose of discovering such evidence as is there mentioned.

(4) No application for a warrant or order shall be made by virtue of subsection (1) or (2) above except in pursuance of a direction given by the Secretary of State in response to a request received—

(a) from a court or tribunal exercising criminal jurisdiction in the overseas country or territory in question or a prosecuting authority in that country or territory; or

(b) from any other authority in that country or territory which appears to him to have the function of making requests for the purposes of this section;

and any evidence seized by a constable by virtue of this section shall be furnished by him to the Secretary of State for transmission to that court, tribunal or authority.

(5) If in order to comply with the request it is necessary for any such evidence to be accompanied by any certificate, affidavit or other verifying document the constable shall also furnish for transmission such document of that nature as may be specified in the direction given by the Secretary of State.

(6) Where the evidence consists of a document the original or a copy shall be transmitted, and where it consists of any other article the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the request.

(7) The Treasury may by order direct that any powers which by virtue of this section are exercisable by a constable shall also be exercisable by, or by any person acting under the direction of, an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979; and the Secretary of State may by order direct that any of those powers shall also be exercisable by a person of any other description specified in the order.

1979 c. 2.

(8) An order under subsection (7) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) In the application of this section to Northern Ireland for references to the Police and Criminal Evidence Act 1984, to Part II and section 8 of and to Schedule 1 to that Act there shall be substituted references to the Police and Criminal Evidence (Northern Ireland) Order 1989, to Part III and Article 10 of and to Schedule 1 to that Order.

S.I. 1989/484 (N.I. 12).

Search etc. for material relevant to overseas investigation: Scotland.

8.—(1) If, on an application made by the procurator fiscal, it appears to the sheriff—

(a) that there are reasonable grounds for believing that an offence under the law of a country or territory outside the United Kingdom has been committed; and

(b) that the conduct constituting that offence would constitute an offence punishable by imprisonment if it had occurred in Scotland,

the sheriff shall have the like power to grant warrant authorising entry, search and seizure by any constable as he would have at common law in respect of any offence punishable at common law in Scotland.

(2) No application for a warrant shall be made by virtue of subsection (1) above except in pursuance of a direction given by the Lord Advocate in response to a request received by the Secretary of State—

(a) from a court or tribunal exercising criminal jurisdiction in the overseas country or territory in question or a prosecuting authority in that country or territory; or

(b) from any other authority in that country or territory which appears to him to have the function of making requests for the purpose of this section,

and any evidence seized by the constable by virtue of this section shall be furnished by him to the Lord Advocate for transmission to that court, tribunal or authority.

(3) If in order to comply with the request it is necessary for any such evidence to be accompanied by any certificate, affidavit or other verifying document the constable shall also furnish for transmission such document of that nature as may be specified in the direction given by the Lord Advocate.

(4) Where the evidence consists of a document the original or a copy shall be transmitted, and where it consists of any other article the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the request.

(5) The Treasury may by order direct that any powers to enter, search or seize granted by virtue of subsection (1) above which may be exercised by a constable shall also be exercisable by, or by any person acting under the direction of, an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979; and the Secretary of State may by order direct that any of those powers shall also be exercisable by a person of any other description specified in the order.

1979 c. 2.

(6) An order under subsection (5) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Enforcement of overseas forfeiture orders.

9.—(1) Her Majesty may by Order in Council provide for the enforcement in the United Kingdom of any order which—

(a) is made by a court in a country or territory outside the United Kingdom designated for the purposes of this section by the Order in Council; and

(b) is for the forfeiture and destruction, or the forfeiture and other disposal, of anything in respect of which an offence to which this section applies has been committed or which was used in connection with the commission of such an offence.

(2) Without prejudice to the generality of subsection (1) above an Order in Council under this section may provide for the registration by a court in the United Kingdom of any order as a condition of its enforcement and prescribe requirements to be satisfied before an order can be registered.

(3) An Order in Council under this section may include such supplementary and incidental provisions as appear to Her Majesty to be necessary or expedient and may apply for the purposes of the Order (with such modifications as appear to Her Majesty to be appropriate) any provisions relating to confiscation or forfeiture orders under any other enactment.

(4) An Order in Council under this section may make different provision for different cases.

(5) No Order in Council shall be made under this section unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

1971 c. 38.
1986 c. 32.
1987 c. 41.
1988 c. 33.

(6) This section applies to any offence which corresponds to or is similar to an offence under the Misuse of Drugs Act 1971, a drug trafficking offence as defined in section 38(1) of the Drug Trafficking Offences Act 1986, an offence to which section 1 of the Criminal Justice (Scotland) Act 1987 relates or an offence to which Part VI of the Criminal Justice Act 1988 applies.

Supplementary

Rules of court.

10.—(1) Provision may be made by rules of court for any purpose for which it appears to the authority having power to make the rules that it is necessary or expedient that provision should be made in connection with any of the provisions of this Part of this Act.

(2) Rules made for the purposes of Schedule 1 to this Act may, in particular, make provision with respect to the persons entitled to appear or take part in the proceedings to which that Schedule applies and for excluding the public from any such proceedings.

(3) An Order in Council under section 9 above may authorise the making of rules of court for any purpose specified in the Order.

(4) Rules of court made under this section by the High Court in Scotland shall be made by Act of Adjournal.

(5) This section is without prejudice to the generality of any existing power to make rules.

Application to courts-martial etc.

11.—(1) Section 2 above applies also to a summons requiring a person charged with a civil offence to appear before a service court (whether or not in the United Kingdom) or to attend before such a court for the purpose of giving evidence in proceedings for such an offence; and a warrant may be issued under section 6 above where—

(a) such a summons has been issued in respect of a prisoner within the meaning of that section; or

(b) it appears to the Secretary of State that it is desirable for such a prisoner to be identified in, or otherwise by his presence to assist, such proceedings or the investigation of such an offence.

(2) Section 5 above applies also to a person serving a sentence of detention imposed by a service court or detained in custody awaiting trial by such a court.

(3) In this section "a civil offence" has the same meaning as in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 and "service court" means a court-martial constituted under any of those Acts or a Standing Civilian Court. 1955 c. 18. 1955 c. 19. 1957 c. 53.

PART II

THE VIENNA CONVENTION

Substances useful for manufacture of controlled drugs

Manufacture and supply of scheduled substances.

12.—(1) It is an offence for a person—

(a) to manufacture a scheduled substance; or

(b) to supply such a substance to another person,

knowing or suspecting that the substance is to be used in or for the unlawful production of a controlled drug.

(2) A person guilty of an offence under subsection (1) above is liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both.

(3) In this section "a controlled drug" has the same meaning as in the Misuse of Drugs Act 1971 and "unlawful production of a controlled drug" means the production of such a drug which is unlawful by virtue of section 4(1)(a) of that Act. 1971 c. 38.

(4) In this section and elsewhere in this Part of this Act "a scheduled substance" means a substance for the time being specified in Schedule 2 to this Act.

(5) Her Majesty may by Order in Council amend that Schedule (whether by addition, deletion or transfer from one Table to the other) but—

(a) no such Order shall add any substance to the Schedule unless—

(i) it appears to Her Majesty to be frequently used in or for the unlawful production of a controlled drug; or

(ii) it has been added to the Annex to the Vienna Convention under Article 12 of that Convention; and

(b) no such Order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

Regulations about scheduled substances.

13.—(1) The Secretary of State may by regulations make provision—

(a) imposing requirements as to the documentation of transactions involving scheduled substances;

(b) requiring the keeping of records and the furnishing of information with respect to such substances;

(c) for the inspection of records kept pursuant to the regulations;

(d) for the labelling of consignments of scheduled substances.

(2) Regulations made by virtue of subsection (1)(b) may, in particular, require—

(a) the notification of the proposed exportation of substances specified in Table I in Schedule 2 to this Act to such countries as may be specified in the regulations; and

(b) the production, in such circumstances as may be so specified, of evidence that the required notification has been given;

1979 c. 2.

and for the purposes of section 68 of the Customs and Excise Management Act 1979 (offences relating to exportation of prohibited or restricted goods) any such substance shall be deemed to be exported contrary to a restriction for the time being in force with respect to it under this Act if it is exported without the requisite notification having been given.

(3) Regulations under this section may make different provision in relation to the substances specified in Table I and Table II in Schedule 2 to this Act respectively and in relation to different cases or circumstances.

(4) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Any person who fails to comply with any requirement imposed by the regulations or, in purported compliance with any such requirement, furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular is guilty of an offence and liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(6) No information obtained pursuant to the regulations shall be disclosed except for the purposes of criminal proceedings or of proceedings under the provisions of the Drug Trafficking Offences Act 1986 or the Criminal Justice (Scotland) Act 1987 relating to the confiscation of the proceeds of drug trafficking or corresponding provisions in force in Northern Ireland.

1986 c. 32.
1987 c. 41.

Proceeds of drug trafficking

Concealing or transferring proceeds of drug trafficking.

14.—(1) A person is guilty of an offence if he—

(a) conceals or disguises any property which is, or in whole or in part directly or indirectly represents, his proceeds of drug trafficking; or

(b) converts or transfers that property or removes it from the jurisdiction,

for the purpose of avoiding prosecution for a drug trafficking offence or the making or enforcement in his case of a confiscation order.

(2) A person is guilty of an offence if, knowing or having reasonable grounds to suspect that any property is, or in whole or in part directly or indirectly represents, another person's proceeds of drug trafficking, he—

(a) conceals or disguises that property; or

(b) converts or transfers that property or removes it from the jurisdiction,

for the purpose of assisting any person to avoid prosecution for a drug trafficking offence or the making or enforcement of a confiscation order.

(3) A person is guilty of an offence if, knowing or having reasonable grounds to suspect that any property is, or in whole or in part directly or indirectly represents, another person's proceeds of drug trafficking, he acquires that property for no, or for inadequate, consideration.

(4) In subsections (1)(a) and (2)(a) above the references to concealing or disguising any property include references to concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.

(5) For the purposes of subsection (3) above consideration given for any property is inadequate if its value is significantly less than the value of that property, and there shall not be treated as consideration the provision for any person of services or goods which are of assistance to him in drug trafficking.

(6) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both.

Interest on sums unpaid under confiscation orders.

15.—(1) If any sum required to be paid by a person under a confiscation order is not paid when it is required to be paid (whether forthwith on the making of the order or at a time specified under section 31(1) of the Powers of Criminal Courts Act 1973 or under section 396(1) of the Criminal Procedure (Scotland) Act 1975) that person shall be liable to pay interest on that sum for the period for which it remains unpaid and the amount of the interest shall for the purposes of enforcement be treated as part of the amount to be recovered from him under the confiscation order.

1973 c. 62.
1975 c. 21.

(2) The Crown Court or, in Scotland, the sheriff may, on the application of the prosecutor, increase the term of imprisonment or detention fixed in respect of the confiscation order under subsection (2) of section 31 of the said Act of 1973 (imprisonment in default of payment) or under subsection (2) of section 396 of the said Act of 1975 (which makes similar provision for Scotland) if the effect of subsection (1) above is to increase the maximum period applicable in relation to the order under subsection (3A) of the said section 31 or under section 407(1A) of the said Act of 1975.

(3) The rate of interest under subsection (1) above shall be that for the time being applying to a civil judgment debt under section 17 of the Judgments Act 1838 and in Scotland shall be the rate applicable to an award of damages in the Court of Session.

1838 c. 110.

Increase in realisable property. 1986 c. 32.

16.—(1) This section has effect where by virtue of section 4(3) of the Drug Trafficking Offences Act 1986 (insufficient realisable property) the amount which a person is ordered to pay by a confiscation order is less than the amount assessed to be the value of his proceeds of drug trafficking.

(2) If, on an application made in accordance with subsection (3) below, the High Court is satisfied that the amount that might be realised in the case of the person in question is greater than the amount taken into account in making the confiscation order (whether it was greater than was thought when the order was made or has subsequently increased) the court shall issue a certificate to that effect, giving the court's reasons.

(3) An application under subsection (2) above may be made either by the prosecutor or by a receiver appointed under the said Act of 1986 in relation to the realisable property of the person in question.

(4) Where a certificate has been issued under subsection (2) above the prosecutor may apply to the Crown Court for an increase in the amount to be recovered under the confiscation order; and on that application the court may—

(a) substitute for that amount such amount (not exceeding the amount assessed as the value referred to in subsection (1) above) as appears to the court to be appropriate having regard to the amount now shown to be realisable; and

(b) increase the term of imprisonment or detention fixed in respect of the confiscation order under subsection (2) of section 31 of the Powers of Criminal Courts Act 1973 (imprisonment in default of payment) if the effect of the substitution is to increase the maximum period applicable in relation to the order under subsection (3A) of that section.

1973 c. 62.

Increase in realisable property: Scotland. 1987 c. 41.

17.—(1) This section has effect where by virtue of section 1(1)(b) of the Criminal Justice (Scotland) Act 1987 (insufficient realisable property) the amount which a person is ordered to pay by a confiscation order is less than the amount assessed to be the value of his proceeds of drug trafficking.

(2) If, on an application made in accordance with subsection (3) below, the Court of Session is satisfied that the amount that might be realised in the case of the person in question is greater than the amount taken into account in making the confiscation order (whether it was greater than was thought when the order was made or has subsequently increased) the court shall issue a certificate to that effect, giving the court's reasons.

(3) An application under subsection (2) above may be made either by the prosecutor or by an administrator appointed under section 13(1) of the said Act of 1987 in relation to the realisable property of the person in question.

(4) Where a certificate has been issued under subsection (2) above the prosecutor may apply to the High Court of Justiciary for an increase in the amount to be recovered under the confiscation order; and on that application the court may—

(a) substitute for that amount such amount (not exceeding the amount assessed as the value referred to in subsection (1) above) as appears to the court to be appropriate having regard to the amount now shown to be realisable; and

(b) increase the term of imprisonment or detention fixed in respect of the confiscation order under subsection (2) of section 396 of the Criminal Procedure (Scotland) Act 1975 (imprisonment in default of payment) if the effect of the substitution is to increase the maximum period applicable in relation to the order under subsection (1A) of section 407 of that Act. 1975 c. 21.

Offences at sea

18. Anything which would constitute a drug trafficking offence if done on land in any part of the United Kingdom shall constitute that offence if done on a British ship. Offences on British ships.

19.—(1) This section applies to a British ship, a ship registered in a state other than the United Kingdom which is a party to the Vienna Convention (a "Convention state") and a ship not registered in any country or territory. Ships used for illicit traffic.

(2) A person is guilty of an offence if on a ship to which this section applies, wherever it may be, he—

(a) has a controlled drug in his possession; or

(b) is in any way knowingly concerned in the carrying or concealing of a controlled drug on the ship,

knowing or having reasonable grounds to suspect that the drug is intended to be imported or has been exported contrary to section 3(1) of the Misuse of Drugs Act 1971 or the law of any state other than the United Kingdom. 1971 c. 38.

(3) A certificate purporting to be issued by or on behalf of the government of any state to the effect that the importation or export of a controlled drug is prohibited by the law of that state shall be evidence, and in Scotland sufficient evidence, of the matters stated.

(4) A person guilty of an offence under this section is liable—

(a) in a case where the controlled drug is a Class A drug—

(i) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(ii) on conviction on indictment, to imprisonment for life or a fine or both;

(b) in a case where the controlled drug is a Class B drug—

(i) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(ii) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both;

(c) in a case where the controlled drug is a Class C drug—

(i) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum or both;

(ii) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both.

(5) In this section "a controlled drug" and the references to controlled drugs of a specified Class have the same meaning as in the said Act of 1971; and an offence under this section shall be included in the offences to which section 28 of that Act (defences) applies.

Enforcement powers.

20.—(1) The powers conferred on an enforcement officer by Schedule 3 to this Act shall be exercisable in relation to any ship to which section 18 or 19 above applies for the purpose of detecting and the taking of appropriate action in respect of the offences mentioned in those sections.

(2) Those powers shall not be exercised outside the landward limits of the territorial sea of the United Kingdom in relation to a ship registered in a Convention state except with the authority of the Secretary of State; and he shall not give his authority unless that state has in relation to that ship—

(a) requested the assistance of the United Kingdom for the purpose mentioned in subsection (1) above; or

(b) authorised the United Kingdom to act for that purpose.

(3) In giving his authority pursuant to a request or authorisation from a Convention state the Secretary of State shall impose such conditions or limitations on the exercise of the powers as may be necessary to give effect to any conditions or limitations imposed by that state.

(4) The Secretary of State may, either of his own motion or in response to a request from a Convention state, authorise a Convention state to exercise, in relation to a British ship, powers corresponding to those conferred on enforcement officers by Schedule 3 to this Act but subject to such conditions or limitations, if any, as he may impose.

(5) Subsection (4) above is without prejudice to any agreement made, or which may be made, on behalf of the United Kingdom whereby the United Kingdom undertakes not to object to the exercise by any other state in relation to a British ship of powers corresponding to those conferred by that Schedule.

(6) The powers conferred by that Schedule shall not be exercised in the territorial sea of any state other than the United Kingdom without the authority of the Secretary of State and he shall not give his authority unless that state has consented to the exercise of those powers.

Jurisdiction and prosecutions.

21.—(1) Proceedings under this Part of this Act or Schedule 3 in respect of an offence on a ship may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(2) No such proceedings shall be instituted—

(a) in England or Wales except by or with the consent of the Director of Public Prosecutions or the Commissioners of Customs and Excise;

(b) in Northern Ireland except by or with the consent of the Director of Public Prosecutions for Northern Ireland or those Commissioners.

(3) Without prejudice to subsection (2) above no proceedings for an offence under section 19 above alleged to have been committed outside the landward limits of the territorial sea of the United Kingdom on a ship registered in a Convention state shall be instituted except in pursuance of

the exercise with the authority of the Secretary of State of the powers conferred by Schedule 3 to this Act; and section 3 of the Territorial Waters Jurisdiction Act 1878 (consent of Secretary of State for certain prosecutions) shall not apply to those proceedings. 1878 c. 73.

Supplementary

22.—(1) The offences to which an Order in Council under section 2 of the Extradition Act 1870 can apply shall include drug trafficking offences. Extradition. 1870 c. 52.

(2) In paragraph 15 of Schedule 1 to the Extradition Act 1989 (extradition offences treated as within jurisdiction of foreign states) after paragraph (i) there shall be inserted— 1989 c. 33.

"(j) a drug trafficking offence within the meaning of the Drug Trafficking Offences Act 1986; or 1986 c. 32.

(k) an offence to which section 1 of the Criminal Justice (Scotland) Act 1987 relates;". 1987 c. 41.

(3) At the end of subsection (2) of section 22 of the said Act of 1989 (extradition offences under Conventions) there shall be inserted—

"(h) the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which was signed in Vienna on 20th December 1988 ("the Vienna Convention")."

and at the end of subsection (4) of that section there shall be inserted "and

(h) in relation to the Vienna Convention—

(i) any drug trafficking offence within the meaning of the Drug Trafficking Offences Act 1986; and

(ii) an offence to which section 1 of the Criminal Justice (Scotland) Act 1987 relates;".

23.—(1) The Misuse of Drugs Act 1971 shall be amended as follows. Application of ancillary provisions of Misuse of Drugs Act 1971.

(2) In section 12(1) (prohibition direction on practitioner etc. in consequence of conviction) after paragraph (b) there shall be inserted— 1971 c. 38.

"(c) of an offence under section 12 or 13 of the Criminal Justice (International Co-operation) Act 1990;".

(3) In section 21 (offences by bodies corporate) after the words "an offence under this Act" there shall be inserted the words "or Part II of the Criminal Justice (International Co-operation) Act 1990".

(4) In section 23 (power to search and obtain evidence) after subsection (3) there shall be inserted—

"(3A) The powers conferred by subsection (1) above shall be exercisable also for the purposes of the execution of Part II of the Criminal Justice (International Co-operation) Act 1990 and subsection (3) above (excluding paragraph (a)) shall apply also to offences under section 12 or 13 of that Act, taking references in those provisions to controlled drugs as references to scheduled substances within the meaning of that Part."

Interpretation of Part II.

24.—(1) In this Part of this Act—

"British ship" means a ship registered in the United Kingdom or a colony;

"Convention state" has the meaning given in section 19(1) above;

"scheduled substance" has the meaning given in section 12(4) above;

"ship" includes any vessel used in navigation;

"the territorial sea of the United Kingdom" includes the territorial sea adjacent to any of the Channel Islands, the Isle of Man or any colony;

"the Vienna Convention" means the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which was signed in Vienna on 20th December 1988.

1986 c. 32.

(2) Any expression used in this Part of this Act which is also used in the Drug Trafficking Offences Act 1986 has the same meaning as in that Act.

1987 c. 41.

(3) In relation to Scotland, any expression used in this Part of this Act which is also used in the Criminal Justice (Scotland) Act 1987 has the same meaning as in that Act and "drug trafficking offence" means an offence to which section 1 of that Act relates.

(4) If in any proceedings under this Part of this Act any question arises whether any country or territory is a state or is a party to the Vienna Convention, a certificate issued by or under the authority of the Secretary of State shall be conclusive evidence on that question.

PART III

DRUG TRAFFICKING MONEY IMPORTED OR EXPORTED IN CASH

Seizure and detention.

25.—(1) A customs officer or constable may seize and, in accordance with this section, detain any cash which is being imported into or exported from the United Kingdom if its amount is not less than the prescribed sum and he has reasonable grounds for suspecting that it directly or indirectly represents any person's proceeds of, or is intended by any person for use in, drug trafficking.

(2) Cash seized by virtue of this section shall not be detained for more than forty-eight hours unless its continued detention is authorised by an order made by a justice of the peace or in Scotland the sheriff; and no such order shall be made unless the justice or, as the case may be, the sheriff is satisfied—

(a) that there are reasonable grounds for the suspicion mentioned in subsection (1) above; and

(b) that continued detention of the cash is justified while its origin or derivation is further investigated or consideration is given to the institution (whether in the United Kingdom or elsewhere) of criminal proceedings against any person for an offence with which the cash is connected.

(3) Any order under subsection (2) above shall authorise the continued detention of the cash to which it relates for such period, not exceeding three months beginning with the date of the order, as may be specified in the order; and a magistrates' court or in Scotland the sheriff, if satisfied as to the matters mentioned in that subsection, may thereafter from time to time by order authorise the further detention of the cash but so that—

(a) no period of detention specified in such an order shall exceed three months beginning with the date of the order; and

(b) the total period of detention shall not exceed two years from the date of the order under subsection (2) above.

(4) Any application for an order under subsection (2) or (3) above shall be made by the Commissioners of Customs and Excise or a constable if made to a justice or magistrates' court and by a procurator fiscal if made to the sheriff.

(5) At any time while cash is detained by virtue of the foregoing provisions of this section—

(a) a magistrates' court or in Scotland the sheriff may direct its release if satisfied—

(i) on an application made by the person from whom it was seized or a person by or on whose behalf it was being imported or exported, that there are no, or are no longer, any such grounds for its detention as are mentioned in subsection (2) above; or

(ii) on an application made by any other person, that detention of the cash is not for that or any other reason justified; and

(b) a customs officer or constable, or in Scotland a procurator fiscal, may release the cash if satisfied that its detention is no longer justified but shall first notify the justice, magistrates' court or sheriff under whose order it is being detained.

(6) If at a time when any cash is being detained by virtue of the foregoing provisions of this section—

(a) an application for its forfeiture is made under section 26 below; or

(b) proceedings are instituted (whether in the United Kingdom or elsewhere) against any person for an offence with which the cash is connected,

the cash shall not be released until any proceedings pursuant to the application or, as the case may be, the proceedings for that offence have been concluded.

Forfeiture.

26.—(1) A magistrates' court or in Scotland the sheriff may order the forfeiture of any cash which has been seized under section 25 above if satisfied, on an application made while the cash is detained under that section, that the cash directly or indirectly represents any person's proceeds of, or is intended by any person for use in, drug trafficking.

(2) Any application under this section to a magistrates' court shall be made by the Commissioners of Customs and Excise or a constable and to the sheriff by a procurator fiscal.

(3) The standard of proof in proceedings on an application under this section shall be that applicable to civil proceedings; and an order may be made under this section whether or not proceedings are brought against any person for an offence with which the cash in question is connected.

Interest.

27. Cash seized under this Part of this Act and detained for more than forty-eight hours shall, unless required as evidence of an offence, be held in an interest-bearing account and the interest accruing on any such cash shall be added to that cash on its forfeiture or release.

Procedure.

28.—(1) An order under section 25(2) above shall provide for notice to be given to persons affected by the order.

(2) Provision may be made by rules of court with respect to applications to any court under this Part of this Act, for the giving of notice of such applications to persons affected, for the joinder, or in Scotland sisting, of such persons as parties and generally with respect to the procedure under this Part of this Act before any court.

(3) Subsection (2) above is without prejudice to the generality of any existing power to make rules.

Interpretation of Part III.

29.—(1) In this Part of this Act—

"cash" includes coins and notes in any currency;

"customs officer" means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979;

1979 c. 2.

1986 c. 32.

"drug trafficking" has the same meaning as in the Drug Trafficking Offences Act 1986 or, as respects Scotland, in Part I of the Criminal Justice (Scotland) Act 1987;

1987 c. 41.

"exported", in relation to any cash, includes its being brought to any place in the United Kingdom for the purpose of being exported;

"the proceeds of drug trafficking" has the same meaning as in the said Acts of 1986 and 1987 respectively and includes proceeds received by any person before as well as after the coming into force of this Part of this Act.

(2) In section 25 above "the prescribed sum" means such sum in sterling as may for the time being be prescribed for the purposes of that section by an order made by the Secretary of State by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and in determining under that section whether an amount of currency other than sterling is not less than the prescribed sum that amount shall be converted at the prevailing rate of exchange.

1979 c. 58.

(3) For the avoidance of doubt it is hereby declared that notwithstanding sections 8 and 9 of the Isle of Man Act 1979 references in this Part of this Act to importation into or export from the United Kingdom include references to importation into the United Kingdom from the Isle of Man and exportation from the United Kingdom to the Isle of Man.

PART IV

GENERAL

Expenses and receipts.

30.—(1) Any expenses incurred by the Secretary of State under this Act shall be defrayed out of money provided by Parliament.

(2) Any money representing cash forfeited under Part III of this Act or accrued interest thereon shall be paid into the Consolidated Fund.

Consequential and other amendments, repeals and revocation.

31.—(1) The enactments and instruments mentioned in Schedule 4 to this Act shall have effect with the amendments there specified, being amendments consequential on or otherwise relating to the provisions of this Act.

(2) For the avoidance of doubt it is hereby declared that the amendment by that Schedule of the definition of "drug trafficking offence" in section 38(1) of the Drug Trafficking Offences Act 1986 applies to that definition as applied by any other enactment, including this Act.

1986 c. 32.

(3) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) Article 9 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 is hereby revoked.

S.I. 1988/1847 (N.I. 17).

Short title, commencement and extent.

32.—(1) This Act may be cited as the Criminal Justice (International Co-operation) Act 1990.

(2) This Act shall come into force on such day as may be appointed by the Secretary of State by an order made by statutory instrument and different days may be appointed for different provisions and different purposes and for different parts of the United Kingdom.

(3) This Act extends to Northern Ireland.

(4) Her Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions and modifications as appear to Her Majesty to be appropriate, to any of the Channel Islands, the Isle of Man or any colony.

SCHEDULES

Section 4(6).

SCHEDULE 1

UNITED KINGDOM EVIDENCE FOR USE OVERSEAS: PROCEEDINGS OF NOMINATED COURT

Securing attendance of witnesses

1. The court shall have the like powers for securing the attendance of a witness for the purpose of the proceedings as it has for the purpose of other proceedings before the court.

1975 c. 21.

2. In Scotland the court shall have power to issue a warrant to officers of law to cite witnesses for the purpose of the proceedings and section 320 of the Criminal Procedure (Scotland) Act 1975 shall apply in relation to such a witness.

Power to administer oaths

3. The court may in the proceedings take evidence on oath.

Privilege of witnesses

4.—(1) A person shall not be compelled to give in the proceedings any evidence which he could not be compelled to give—

(a) in criminal proceedings in the part of the United Kingdom in which the nominated court exercises jurisdiction; or

(b) subject to sub-paragraph (2) below, in criminal proceedings in the country or territory from which the request for the evidence has come.

(2) Sub-paragraph (1)(b) above shall not apply unless the claim of the person questioned to be exempt from giving the evidence is conceded by the court, tribunal or authority which made the request.

(3) Where such a claim made by any person is not conceded as aforesaid he may (subject to the other provisions of this paragraph) be required to give the evidence to which the claim relates but the evidence shall not be transmitted to the court, tribunal or authority which requested it if a court in the country or territory in question, on the matter being referred to it, upholds the claim.

(4) Without prejudice to sub-paragraph (1) above a person shall not be compelled under this Schedule to give any evidence if his doing so would be prejudicial to the security of the United Kingdom; and a certificate signed by or on behalf of the Secretary of State or, where the court is in Scotland, by or on behalf of the Lord Advocate to the effect that it would be so prejudicial for that person to do so shall be conclusive evidence of that fact.

(5) Without prejudice to sub-paragraph (1) above a person shall not be compelled under this Schedule to give any evidence in his capacity as an officer or servant of the Crown.

(6) In this paragraph references to giving evidence include references to answering any question and to producing any document or other article and the reference in sub-paragraph (3) above to the transmission of evidence given by a person shall be construed accordingly.

Transmission of evidence

5.—(1) The evidence received by the court shall be furnished to the Secretary of State or, in Scotland, the Lord Advocate for transmission to the court, tribunal or authority that made the request.

(2) If in order to comply with the request it is necessary for the evidence to be accompanied by any certificate, affidavit or other verifying document, the court shall also furnish for transmission such document of that nature as may be specified in the notice nominating the court.

(3) Where the evidence consists of a document the original or a copy shall be transmitted, and where it consists of any other article the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the request.

Supplementary

6. For the avoidance of doubt it is hereby declared that the Bankers Books' Evidence Act 1879 applies to the proceedings as it applies to other proceedings before the court. 1879 c. 11.

7. No order for costs shall be made in the proceedings.

SCHEDULE 2

Sections 12 and 13.

SUBSTANCES USEFUL FOR MANUFACTURING CONTROLLED DRUGS

TABLE I

EPHEDRINE
ERGOMETRINE
ERGOTAMINE
LYSERGIC ACID
1-PHENYL-2-PROPANONE
PSEUDOEPHEDRINE

The salts of the substances listed in this Table whenever the existence of such salts is possible.

TABLE II

ACETIC ANHYDRIDE
ACETONE
ANTHRANILIC ACID
ETHYL ETHER
PHENYLACETIC ACID
PIPERIDINE

The salts of the substances listed in this Table whenever the existence of such salts is possible.

SCHEDULE 3

Section 20.

ENFORCEMENT POWERS IN RESPECT OF SHIPS

Preliminary

1.—(1) In this Schedule "an enforcement officer" means—

(a) a constable;

(b) an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979; and 1979 c. 2.

(c) any other person of a description specified in an order made for the purposes of this Schedule by the Secretary of State.

(2) The power to make an order under sub-paragraph (1)(c) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

SCH. 3

(3) In this Schedule "the ship" means the ship in relation to which the powers conferred by this Schedule are exercised.

Power to stop, board, divert and detain

2.—(1) An enforcement officer may stop the ship, board it and, if he thinks it necessary for the exercise of his functions, require it to be taken to a port in the United Kingdom and detain it there.

(2) Where an enforcement officer is exercising his powers with the authority of the Secretary of State given under section 20(2) of this Act the officer may require the ship to be taken to a port in the Convention state in question or, if that state has so requested, in any other country or territory willing to receive it.

(3) For any of those purposes he may require the master or any member of the crew to take such action as may be necessary.

(4) If an enforcement officer detains a vessel he shall serve on the master a notice in writing stating that it is to be detained until the notice is withdrawn by the service on him of a further notice in writing signed by an enforcement officer.

Power to search and obtain information

3.—(1) An enforcement officer may search the ship, anyone on it and anything on it including its cargo.

(2) An enforcement officer may require any person on the ship to give information concerning himself or anything on the ship.

(3) Without prejudice to the generality of those powers an enforcement officer may—

(a) open any containers;

(b) make tests and take samples of anything on the ship;

(c) require the production of documents, books or records relating to the ship or anything on it;

(d) make photographs or copies of anything whose production he has power to require.

Powers in respect of suspected offence

4. If an enforcement officer has reasonable grounds to suspect that an offence mentioned in section 18 or 19 of this Act has been committed on a ship to which that section applies he may—

(a) arrest without warrant anyone whom he has reasonable grounds for suspecting to be guilty of the offence; and

(b) seize and detain anything found on the ship which appears to him to be evidence of the offence.

Assistants

5.—(1) An enforcement officer may take with him, to assist him in exercising his powers—

(a) any other persons; and

(b) any equipment or materials.

(2) A person whom an enforcement officer takes with him to assist him may perform any of the officer's functions but only under the officer's supervision.

Use of reasonable force

6. An enforcement officer may use reasonable force, if necessary, in the performance of his functions.

Evidence of authority

7. An enforcement officer shall, if required, produce evidence of his authority.

Protection of officers

8. An enforcement officer shall not be liable in any civil or criminal proceedings for anything done in the purported performance of his functions under this Schedule if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Offences

9.—(1) A person is guilty of an offence if he—

(a) intentionally obstructs an enforcement officer in the performance of any of his functions under this Schedule;

(b) fails without reasonable excuse to comply with a requirement made by an enforcement officer in the performance of those functions; or

(c) in purporting to give information required by an officer for the performance of those functions—

(i) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or

(ii) intentionally fails to disclose any material particular.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

SCHEDULE 4

Section 31(1).

CONSEQUENTIAL AND OTHER AMENDMENTS

The Misuse of Drugs Act 1971 1/

1971 c. 38.

1. In section 27(1) of the Misuse of Drugs Act 1971 after "1986" there shall be inserted the words "or an offence to which section 1 of the Criminal Justice (Scotland) Act 1987 relates".

The Magistrates' Courts Act 1980

1980 c. 43.

2. After section 97(2) of the Magistrates' Courts Act 1980 there shall be inserted—

"(2A) A summons may also be issued under subsection (1) above if the justice is satisfied that the person in question is outside the British Islands but no warrant shall be issued under subsection (2) above unless the justice is satisfied by evidence on oath that the person in question is in England or Wales."

The Criminal Justice Act 1982

1982 c. 48.

3. At the end of Part II of Schedule 1 to the Criminal Justice Act 1982 there shall be inserted—

"Criminal Justice (International Co-operation) Act 1990 (c. 5)

Section 14 (concealing or transferring proceeds of drug trafficking)."

SCH. 4

The Drug Trafficking Offences Act 1986 2/

1986 c. 32.

4.—(1) The Drug Trafficking Offences Act 1986 shall be amended as follows.

(2) In section 2(4) after the words "section 24 of this Act" there shall be inserted the words "or section 14 of the Criminal Justice (International Co-operation) Act 1990".

(3) In the definition of "drug trafficking" in section 38(1) after paragraph (c) there shall be inserted—

"(d) manufacturing or supplying a scheduled substance within the meaning of section 12 of the Criminal Justice (International Co-operation) Act 1990 where the manufacture or supply is an offence under that section;".

(4) In the definition of "drug trafficking offence" in section 38(1) after paragraph (d) there shall be inserted—

"(dd) an offence under sections 12, 14 or 19 of the Criminal Justice (International Co-operation) Act 1990;",

and in paragraph (e) for "(d)" there shall be substituted "(dd)".

1987 c. 41.

The Criminal Justice (Scotland) Act 1987

5.—(1) The Criminal Justice (Scotland) Act 1987 shall be amended as follows.

(2) In section 1—

(a) in subsection (2) after paragraph (c) there shall be inserted—

"(cc) an offence under sections 12, 14 or 19 of the Criminal Justice (International Co-operation) Act 1990;",

and in paragraph (d) for "or (c)" there shall be substituted, "(c) or (cc)";

(b) in subsection (6) after paragraph (d) there shall be inserted—

"(e) manufacturing or supplying a scheduled substance within the meaning of section 12 of the Criminal Justice (International Co-operation) Act 1990 where the manufacture or supply is an offence under that section;".

(3) In section 3(3) after the words "section 43 of this Act" there shall be inserted the words "or section 14 of the Criminal Justice (International Co-operation) Act 1990".

(4) In section 5(2) the words from "at the date" to "first occurs)", the words "on that date" and the words "as at that date" shall cease to have effect.

1988 c. 33.

The Criminal Justice Act 1988

6.—(1) The Criminal Justice Act 1988 shall be amended as follows.

(2) In sections 24(4) and 26 for the words "section 29 below" there shall be substituted the words "section 3 of the Criminal Justice (International Co-operation) Act 1990".

(3) In paragraph 6(1) of Schedule 13 for the words "In section 29 above 'criminal proceedings' does not include proceedings before a Service court" there shall be substituted the words "No application shall be made under section 3 of the Criminal Justice (International Co-operation) Act 1990 in relation to any offence which is or is to be the subject of proceedings before a Service court".

S.I. 1981/1675 (N.I. 26).

The Magistrates' Courts (Northern Ireland) Order 1981

7. In Article 118(2) of the Magistrates' Courts (Northern Ireland) Order 1981 after the words "a person" there shall be inserted the words "in Northern Ireland".

8. In Articles 4(4) and 6 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 for the words "Article 9" there shall be substituted the words "section 3 of the Criminal Justice (International Co-operation) Act 1990". S.I. 1988/1847 (N.I. 17).

SCHEDULE 5 Section 31(3).

REPEALS

Chapter	Short title	Extent of repeal
36 & 37 Vict. c. 60.	The Extradition Act 1873.	Section 5.
1975 c. 34.	The Evidence (Proceedings in Other Jurisdictions) Act 1975.	Section 5.
1978 c. 26.	The Suppression of Terrorism Act 1978.	In section 1, subsection (3)(d) together with the word "and" immediately preceding it, in subsection (4) the words from "and that subsection (3)(d)(ii)" onwards and subsection (5)(b) together with the word "and" immediately preceding it.
1987 c. 41.	The Criminal Justice (Scotland) Act 1987.	In section 5(2) the words from "at the date" to "first occurs)", the words "on that date" and the words "as at that date".
1988 c. 33.	The Criminal Justice Act 1988.	Section 29.
1989 c. 33.	The Extradition Act 1989.	In section 22(4)(f)(ii) the word "and". In Schedule 1, in paragraph 15(h) the word "or" where it last occurs.

Notes by the Secretariat

1/ E/NL.1971/42.

2/ E/NL.1986/10.

UNITED NATIONS

E/NL.1990/18
3 July 1990

ENGLISH
Original: SPANISH

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

SPAIN

Communicated by the Government of Spain

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

ORDER No. 23,803 OF 28 SEPTEMBER 1989 REQUIRING THE INCLUSION OF SPECIFIED ACTIVE PRINCIPLES IN SCHEDULES III AND IV ANNEXED TO THE 1971 CONVENTION ON PSYCHOTROPIC SUBSTANCES

Considering decisions 1 (XXXIII) and 2 (XXXIII) of the United Nations Commission on Narcotic Drugs, which were adopted by the Commission at its 1,015th session held in Vienna on 6 February 1989 and communicated by the Secretary-General of the United Nations on 22 March 1989 on the basis of the reports and recommendations received from the World Health Organization and calling for the inclusion of the substances referred to below in the Schedules annexed to the Convention on Psychotropic Substances concluded in Vienna on 21 February 1971 and published in the "Official Gazette of the State" (Boletín Oficial del Estado), No. 218 of 10 September 1976,

Considering also the provisions of article 2, paragraph 7, of the aforementioned Convention, which has been ratified by Spain, and by virtue of the powers conferred under the final provision of the Royal Decree No. 2829 of 6 October 1977 regulating psychotropic substances and medicinal preparations, 1/

This Ministry has ordered as follows:

Article 1. The substance buprenorphine, having the formula 21-cyclopropyl-7-alpha-[(S)-1-hydroxi-1,2,2-trimethylpropyl]-6-14-endo-ethane-6, 7,8,14-tetrahydrooripavine, shall be included in Schedule III of the annex to Royal Decree No. 2829 of 6 October 1977.

1/ Note by the Secretariat: E/NL.1978/59.

V.90 86980 8352e

The substance pemoline, having the formula 2-amino-5-phenyl-2-oxazoline-4-one, shall be included in Schedule IV of annex 1 to Royal Decree No. 2829 of 6 October 1977.

Article 2. Within a period of 30 days from the entry into force of this Order, the manufacturers, importers and exporters, distributors and dispensers of the substances included in paragraph 1 of this Order shall bring their procedures into harmony with the legal requirements laid down in Royal Decree No. 2829 of 1977 and in the Order of 14 January 1981 for the psychotropic products listed in Schedules III and IV of annex 1 to the aforementioned Decree.

Article 3. The laboratories whose names have been entered in the register of the producers of pharmaceutical specialties containing the substances referred to in paragraph 1 of this Order shall bring the packaging material for these products into conformity within a period of 90 days.

Article 4. The manufacture, distribution, prescription and dispensing of these specialties as well as the control of their stocks shall be carried out in accordance with the provisions of Royal Decree No. 2829 of 6 October 1977.

Final provision

This Order shall enter into force on the day following its publication in the Official Gazette of the State.

I have the honour to bring the above to Your Excellency's attention.

Madrid, 28 September 1989.

García Vargas

To His Excellency the Director-General for Pharmacy and Health Products